

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 465

September 27, 1995, 9:20 a.m.
Page S-14340 Temp. Record

VA-HUD APPROPRIATIONS/Mentally Disabled Veterans

SUBJECT: Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill for fiscal year 1996 . . . H.R. 2099. Rockefeller motion to waive the Budget Act for the consideration of the Rockefeller amendment No. 2784.

ACTION: MOTION REJECTED, 47-53

SYNOPSIS: As reported, H.R. 2099, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill for (fiscal year) FY 1996, will provide a net of \$80.98 billion in new budget authority, which is \$8.9 billion under the Administration's request, \$1.3 billion more than provided in the House-passed bill, and \$8.9 billion less than provided in FY 1995.

The Rockefeller amendment would strike section 107. (That section will reimpose the limitation on compensation payments to mentally disabled veterans who have an estate (savings) worth more than \$25,000 and who do not have spouses, children, or dependent parents. Benefits denied to any such veteran will be resumed if the value of that veteran's estate falls below \$10,000.) The amendment would also require increases in Budget Act limits to accommodate its costs, and it would order the Finance Committee to limit any tax cuts that it might enact in the future to families with incomes under \$100,000.

Debate was limited by unanimous consent. Following debate, Senator Bond raised a point of order that the amendment violated the Budget Act for exceeding the discretionary appropriations cap and for exceeding the revenue ceiling. Senator Rockefeller then moved to waive the Budget Act for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote of the Senate is required to waive the Budget Act. Following the failure of the motion to waive, the point of order was upheld, and the amendment thus fell.

Those favoring the motion to waive contended:

(See other side)

YEAS (47)			NAYS (53)			NOT VOTING (0)	
Republicans (2 or 4%)	Democrats (45 or 98%)		Republicans (52 or 96%)	Democrats (1 or 2%)		Republicans (0)	Democrats (0)
Cohen	Akaka	Hollings	Abraham	Hutchison	Kerrey		
Snowe	Baucus	Inouye	Ashcroft	Inhofe			
	Biden	Johnston	Bennett	Jeffords			
	Bingaman	Kennedy	Bond	Kassebaum			
	Boxer	Kerry	Brown	Kempthorne			
	Bradley	Kohl	Burns	Kyl			
	Breaux	Lautenberg	Campbell	Lott			
	Bryan	Leahy	Chafee	Lugar			
	Bumpers	Levin	Coats	Mack			
	Byrd	Lieberman	Cochran	McCain			
	Conrad	Mikulski	Coverdell	McConnell			
	Daschle	Moseley-Braun	Craig	Murkowski			
	Dodd	Moynihan	D'Amato	Nickles			
	Dorgan	Murray	DeWine	Packwood			
	Exon	Nunn	Dole	Pressler			
	Feingold	Pell	Domenici	Roth			
	Feinstein	Pryor	Faircloth	Santorum			
	Ford	Reid	Frist	Shelby			
	Glenn	Robb	Gorton	Simpson			
	Graham	Rockefeller	Gramm	Smith			
	Harkin	Sarbanes	Grams	Specter			
	Heflin	Simon	Grassley	Stevens			
		Wellstone	Gregg	Thomas			
			Hatch	Thompson			
			Hatfield	Thurmond			
			Helms	Warner			

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Benefits are provided to America's veterans based upon their service, not upon their relative wealth. Nevertheless, this amendment would single out one narrow class of veterans and would means-test their disability benefits. Mentally incompetent veterans with estates worth more than \$25,000 who had no dependents would be denied the disability payments that other disabled veterans would receive. This proposed discrimination is offensive for three reasons. First, it singles out mental disabilities from all other disabilities. Second, it assumes that all distant relatives do not care about or care for the disabled veterans to whom they are related, and that they should therefore not be allowed to inherit accumulated disability benefits. This assumption is simply false; many veterans are cared for by distant relatives. Third, it assumes that all disabled veterans are under institutional care. However, many are being cared for by parents, who use disability benefits purposely to build up huge surpluses to continue care after their deaths for their mentally disabled children.

This limit on benefits has been in effect before. When it was, it resulted in fake marriages, the purchase of unneeded cars and other property, and other maneuvers to get around the limits. We do not blame veterans for having engaged in those types of gimmicks, and we imagine that they will do them again if this ban is put into effect. They should not be put into this position.

The Rockefeller amendment gives us an alternative. It would eliminate this restriction on benefits, and it would pay for its elimination by limiting the Republicans' promised tax cut to those families that earn less than \$100,000 per year. The amendment gives us a very clear choice: do we favor giving mentally incompetent veterans the benefits they have earned and deserved, or do we favor giving rich Americans tax breaks? We choose the former, and thus support the motion to waive.

Those opposing the motion to waive contended:

Section 107 applies only to mentally incompetent veterans. These are veterans who by definition are not capable of managing their own affairs and consequently have a conservator or a guardian appointed. These veterans' needs are fully taken care of--their food, shelter, medical, clothing, and other basic needs are all met through veterans' benefits. On top of that amount, they also receive disability benefits. For veterans with dependents, these benefits are very important to help provide for the needs of their dependents. For veterans who do not have dependents, who do not have spouses, and who in nearly every case are in nursing homes and are never even visited by any of their relatives, these benefits simply accumulate. They have nothing to spend them on, and in fact their mental disabilities do not make it possible for them to spend these benefits. When these veterans die, their distant relatives inherit the accumulated windfall.

Section 107 would prevent the buildup of huge cash reserves by veterans who do not have dependents. Benefits would stop once they reached \$25,000. No veteran would ever be in need, though; payments would resume if a veteran's cash reserves fell to \$10,000, plus every mentally disabled veteran, whether destitute or with large cash reserves, would still be entitled to full VA care.

The cost this year of providing this benefit to build up cash inheritances for distant, non-dependent relatives of mentally disabled veterans would be \$172 million in budget authority and \$157 million in outlays. The Rockefeller amendment would add to the deficit and break the budget to provide this funding. In our opinion, this result is the real purpose of this amendment. Republicans have a balanced budget plan that will work, and, for political reasons, Democrats are determined to unbalance that budget. Any amendment that succeeds in increasing the deficit and taking us off the path to a balanced budget is going to have to be an amendment with a strong emotional appeal. Thus, our Democratic colleagues have chosen the issue of veterans benefits, knowing that all Americans strongly favor making certain that those Americans who have served their country in uniform will receive the benefits to which they are entitled. They have used this emotional issue to mischaracterize section 107 in an effort not to help veterans, but to unbalance the budget. They could have provided real offsets but they did not. Instead, they expressly required that spending be increased. The supposed offset is nothing but a gimmick for political cover--it requires that tax cuts that have not occurred be limited not to apply to "rich" people making more than \$100,000 per year, for "savings" that would pay for the amendment.

The true effects of this amendment would be to increase the deficit and to undo the balanced budget plan in order to build up cash reserves for the distant relatives of institutionalized, mentally disabled veterans to inherit. America would move ever closer to bankruptcy, and veterans would be no better off. We are disappointed that our colleagues would use veterans as pawns in their political games, and we know that our votes will be mischaracterized, but we will nevertheless vote to defeat this amendment.